NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

DELIRIS V. ARROYO.

WILLIAM BARHAM, et al.,

Plaintiff,

Civil Action No. 07-4195 (JAP)

-V-

ORDER ADOPTING THE REPORT

AND RECOMMENDATION OF THE

MAGISTRATE JUDGE

Defendants.

This matter having come before the Court on the Report and Recommendation of United States Magistrate Judge Bongiovanni, filed on January 12, 2009 [dkt. entry # 51]; and the Court having received no objections pursuant to L. Civ. R. 72.1(c)(2); and the Court having reviewed the Report and Recommendation and other documents on file in this matter and for good cause having been shown, **IT IS**

ON this 29th day of January, 2009,

ORDERED that the Report and Recommendation of Magistrate Judge Bongiovanni filed on January 12, 2009, is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; accordingly it is

FURTHER ORDERED that Defendants James Keegan and James King's Motions to Dismiss [dkt. entries # 44 and 46] be GRANTED and that Plaintiff's Complaint be dismissed with prejudice against Defendants James Keegan, James King, Sergeant Richard Matlock, John Poplowski, William Barham, County of Monmouth, Warden William J. Fraser, Sheriff Joseph W. Oxley, Captain Robert Riggs, Sergeant Morris, Sherif Officer W. Corine, Sheriff Officer C. Lopez and Corrections Officer John Quick; and it is further

FURTHER ORDERED that Defendant James Keegan's Motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(6) [dkt. entry # 24]; and Defendants William Barham and County of Monmouth's Motion for Summary Judgment [dkt. entry # 29] be **DISMISSED AS MOOT**; and it is

FURTHER ORDERED that Defendant Foley's Motion to Dismiss for Failure to Serve the Summons and Complaint [dkt. entry # 22] be **GRANTED**, leaving Defendant Lieutenant Howell as the sole remaining defendant.

SO ORDERED.

/s/ JOEL A. PISANO United States District Judge